



King County

2018 Docket Report

King County Comprehensive Plan

December 2018

I. About the Docket Process

The King County Docket was established in 1998 in accordance with Revised Code of Washington 36.70A.470 to provide an opportunity for residents of the County to register comments on the *King County Comprehensive Plan* and associated development regulations. The Docket process, as adopted in King County Code 20.18.140, is available to the public to identify a deficiency (i.e., an absence of required or potentially desirable contents) or to propose changes to the Comprehensive Plan's policies, area-wide land use designations, development regulations, and site-specific land use and zoning. For docket requests that require a site-specific change in a land use designation or zoning classification, submitters may be referred to the appropriate process for requesting these changes.¹

The Docket process is open continuously and, once a year,² the items registered in the previous twelve months are considered. Requests are compiled into a **Docket Submittals Report** which is made available via the Comprehensive Plan website. Following this, Executive staff classifies³ whether each Docket is appropriate for the Annual Cycle (which allows primarily technical updates, corrections, and amendments that do not require substantive changes to policy language) or the Eight-Year or Four-Year Midpoint Cycle (wherein all changes may be

¹ King County Code 20.18.050 and 21A.44.060

² New: In 2018, King County restructured its comprehensive planning program and made minor changes to the Docket process, primarily related to schedule. In the 2018 restructure, the submittal deadline was changed from June 30 to December 31, and the Docket Report's deadline for transmittal to the County Council was changed from December 1 to April 30. For the 2018 Docket process, however, the dates in place at the time when the process began (meaning, June 30 submittal deadline and December 1 transmittal deadline) are being used.

³ New: Another component of the 2018 comprehensive planning program restructure was to switch from a four-year major update cycle to an eight-year major update cycle. The County retained the option for annual cycle updates as well as for four-year updates on the "midpoint" of the eight-year cycle. Similar to the eight-year cycle update, the "four-year midpoint" cycle update allows for consideration of substantive policy and land use changes, but midpoints will not include a review of the entire Comprehensive Plan. This means that Docket requests will now be classified as eligible for (a) the eight-year and four-year cycles, or (b) for the annual cycle.

considered). This classification guides whether the Docket item could be included in the following year’s Comprehensive Plan update.⁴

Following submittal and classification, the next phase includes analysis by County departments, outreach to the proponent, determining the appropriate mechanism for public engagement (dependent on the type and scale of the request), and coordination with relevant entities such as adjacent cities or special purpose districts, again dependent on the request and the aforementioned classification.

On the first business day of December (for the 2018 process as described in the footnotes on page 1), the Executive transmits a **Docket Report** with analysis and recommendations to the County Council. The Council then includes all submitters of Docket requests in the mailing list for the relevant County committee meetings, and notifies them of any other opportunities for public testimony, as it considers **Council Action** on the requests. For Docketed changes that are not recommended by the Executive, the proponent may petition the Council during its legislative review process.

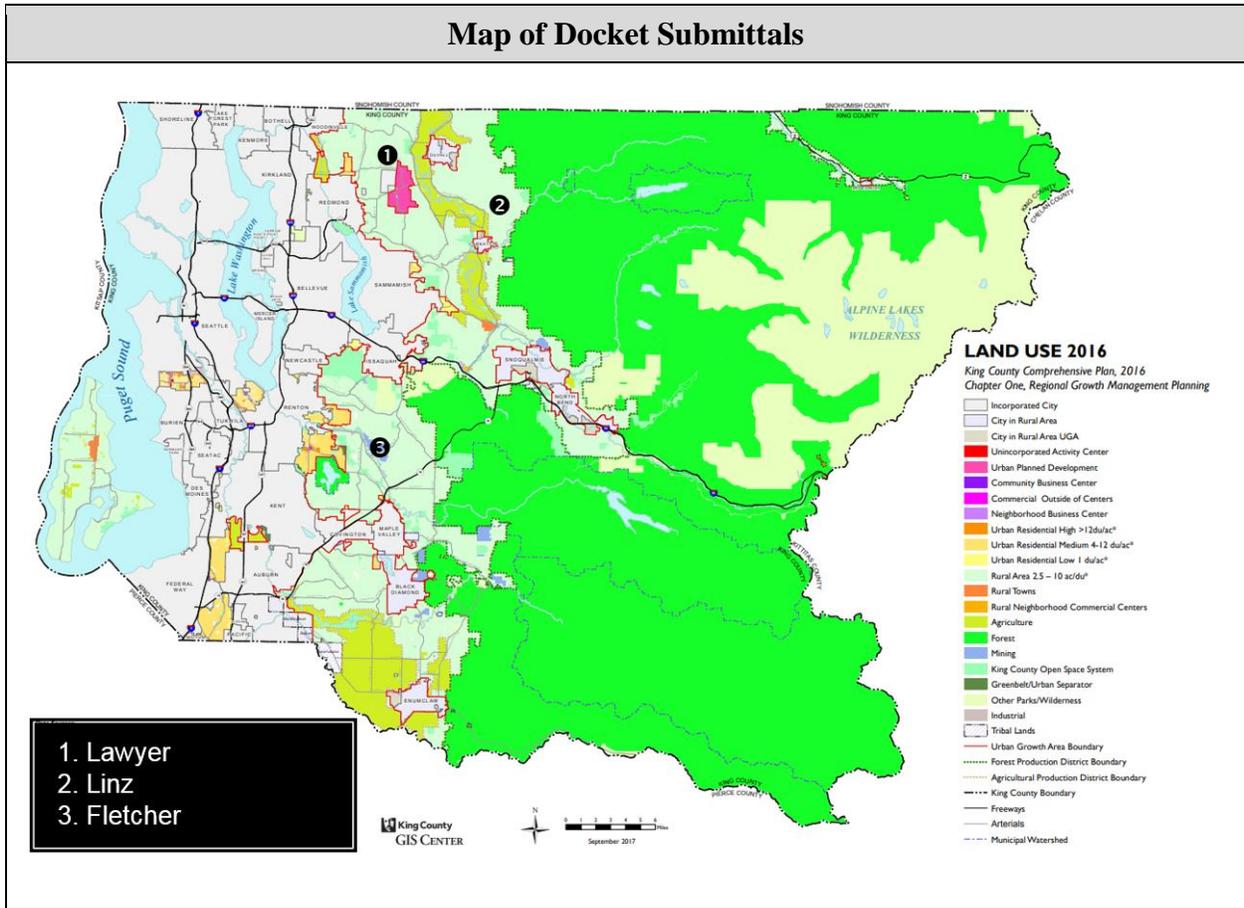
II. Summary of Submittals

King County received five Docket submittals in 2018. One request was found ineligible because the submitter did not have agreement from the property owners to submit on their behalf, and one was withdrawn by the property owner. The report addresses the remaining three Docket submittals, which are listed below.

Name	Council District	Summary of Request
1. Paul Lawyer	Council District 3, Councilmember Lambert	Allow the subdivision of one parcel zoned Rural Area-2.5 to divide into two parcels.
2. Raymond and Monique Linz	Council District 3, Councilmember Lambert	Remove Special District Overlay (SDO-230 Floodplain Densities) on one parcel and adjoining parcels.
3. Michael and Linda Fletcher	Council District 9, Councilmember Dunn	Change zoning classification on two parcels in the rural area geography from Neighborhood Business to Industrial (and to make commensurate changes to the land use designation).

⁴ King County Code 20.18.140 and 20.18.030

Map of Docket Submittals



- 1. Lawyer
- 2. Linz
- 3. Fletcher

III. Submittals, Analyses and Recommendations

The following lists the Docket submitter(s), identifies the County Council district, and includes the full text of the information provided with the Docket Submittal. This is followed by discussion and analysis of the relevant issues including classification, background information, policy review, and concludes with an Executive Recommendation.

Docket #1: Lawyer
DOCKET SUBMITTAL
<i>Name of Submitter(s):</i> Paul Lawyer
<i>Council District:</i> #3, Councilmember Lambert
<i>Submitted Request:</i> Request to subdivide property to add an additional single family home. Parcel size is 3.79 acres, and the parcel is zoned Rural Area 2.5 (RA-2.5).

Docket #1: Lawyer

Submitted Background Information: No impact to adjoining parcels. There are significant trees and greenery that provide significant privacy. The property is completely surrounded by large lots on a private road.

When sub-divided, the two lots would still be larger than most adjacent properties and those of surrounding neighborhoods (Lake of the Woods, Trilogy, Tuscany and Bear Creek). Property is located within private cul-de-sac and surrounded by other properties. The lot cannot be seen from public street. Provides significant tax revenue to King County without any change to neighborhood characteristics.

Requesting the ability to subdivide into two lots for single family homes.

1. Severe increase in property taxes make staying financially difficult. People should not be forced to sell their homes due to unsustainable property tax increases.
2. Property is 3.79 acres, which is much larger than adjacent properties.

Adjacent Lot	Acreage
13414 218th Ave NE	1.05
13506 218th Ave NE	1.18
13610 218th Ave NE	1.15
21817 NE 137th St	1.02
21827 NE 137th St	1.00
21909 NE 137th St	0.98
21925 NE 137th St	1.01
13321 220th Ct NE	2.87
13307 220th Ct NE	0.99
13328 220th Ct NE	2.06

3. Area density has significantly increased with Redmond Ridge and Trilogy development. This is a dense residential area--not rural. Land set aside by developers for preservation was not buildable (slopes and wetlands).
4. Subdivided lot would still have 1 acre of property and provide added tax revenue for King County.
5. Property was subdivided previously and could have been broken into more buildable lots.
6. The purpose of the GMA was to preserve open spaces and farmland. This request does not interfere or contravene GMA in any way.
7. The property is located within walking distance to elementary school and shopping

Address: 13329 220th Court NE Woodinville, WA 98077. Parcel Identification Number 2126069096.

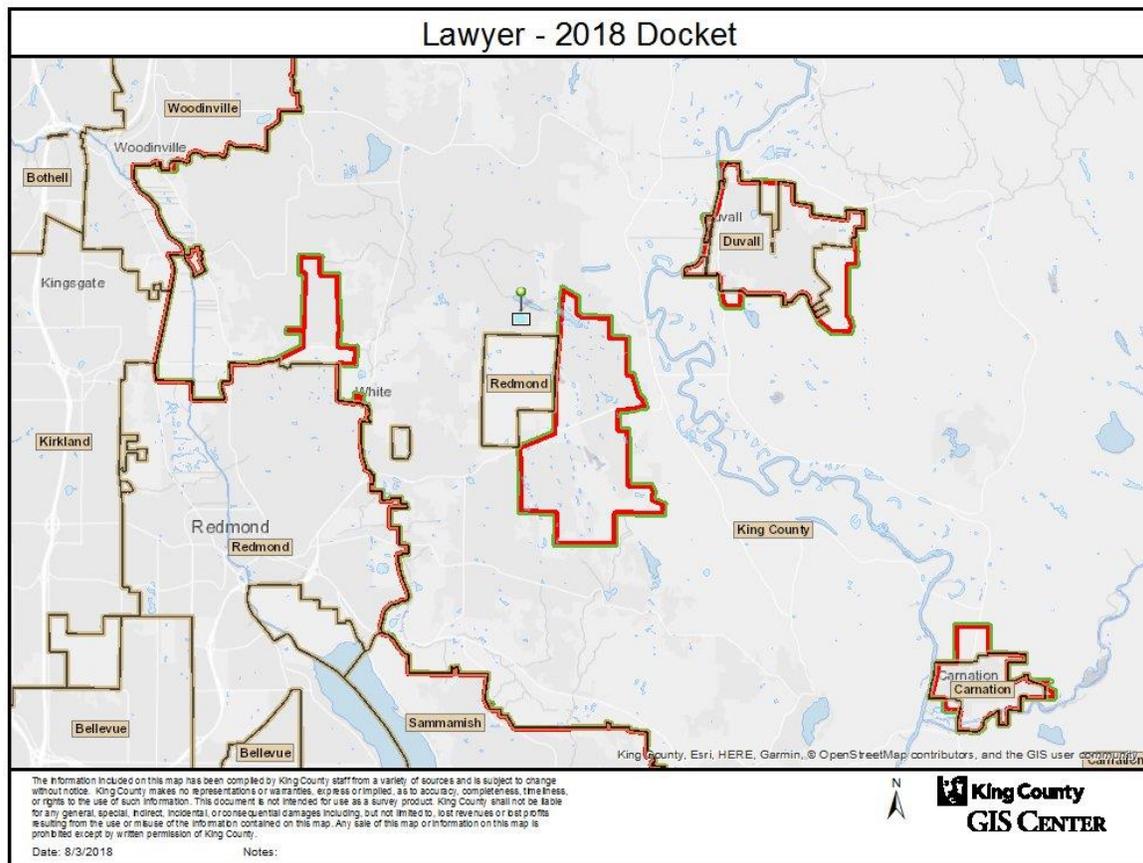
EXECUTIVE REVIEW

Docket #1: Lawyer

Classification: The request is for a land use and zoning change that would require a substantive policy change, as discussed in the following text. Given that these types of changes are not allowed on the Annual Cycle update per King County Code 20.18.030(B), the request would not be eligible for consideration in the 2019 Comprehensive Plan, but would be eligible for consideration in the 2020 Four-Year Midpoint update.

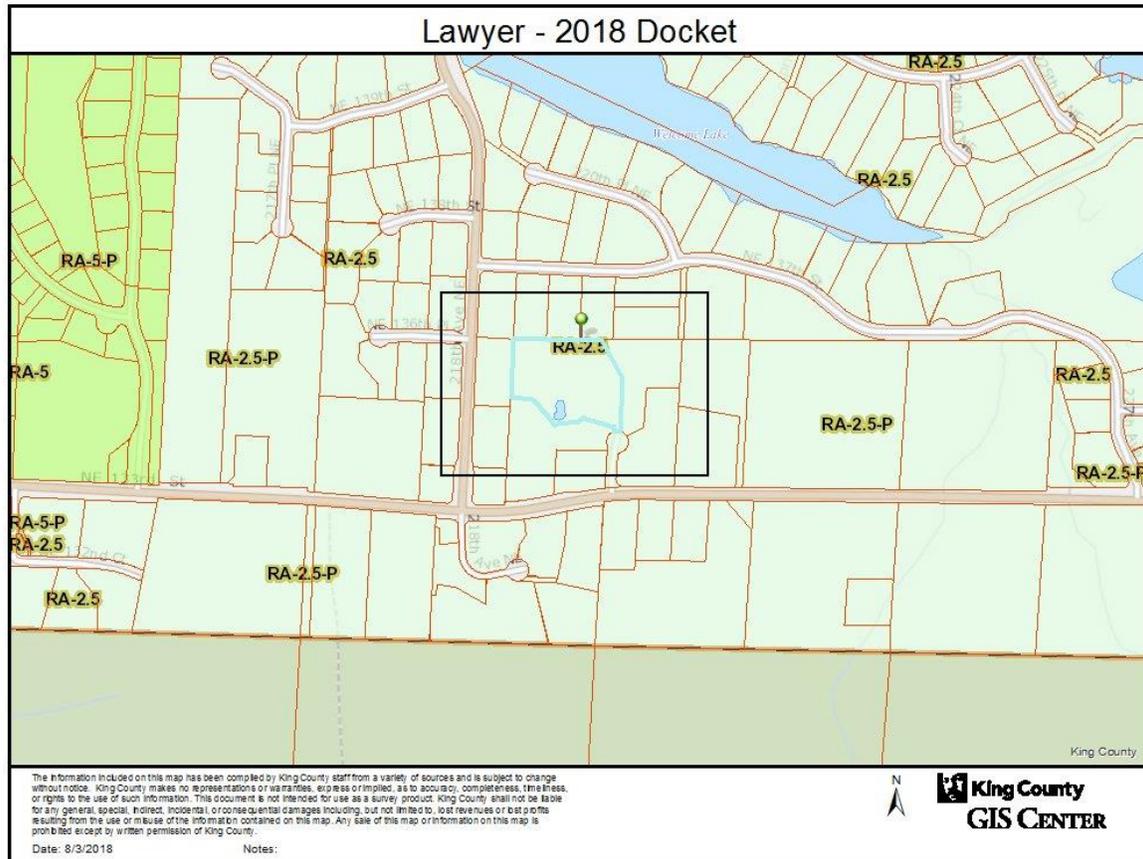
Discussion and Analysis: The submittal requests a subdivision of a parcel zoned Rural Area 2.5 (RA-2.5) into two parcels.

Vicinity map:



Docket #1: Lawyer

Zoning map:



As noted in the King County Comprehensive Plan, *Chapter 3: Rural Area and Natural Resource Lands*, RA-2.5 is a zoning category created to recognize densities and subdivisions that were in existence at the time the 1994 plan was adopted. Following the establishment of this zoning category in the 1994 Comprehensive Plan and the establishment of RA-2.5 lots at that time, no new RA-2.5 lots have been created.

The explanatory text and policy are as follows:

Although King County intends to retain low residential densities in the Rural Area, residential development has occurred in the past on a wide variety of lot sizes. Both existing homes on small lots and rural infill on vacant, small lots contribute to the variety of housing choices in the Rural Area. In some cases, however, rural-level facilities and services (e.g. on-site sewage disposal, individual water supply systems) may not permit development of the smallest vacant lots. Policy R-309 recognizes that some of the Rural Area has already been subdivided at a density greater than one lot per five acres (for example, parts of the shoreline of Vashon-Maury Island) when the original 1994 Comprehensive Plan was

Docket #1: Lawyer

adopted, and applied a zoning category to just those properties in existence at that time. Zoning to implement policies R-306 through R-309 has been applied through subarea and local plans and area zoning maps.

R-309 The RA-2.5 zone has generally been applied to Rural Areas with an existing pattern of lots below five acres in size that were created prior to the adoption of the 1994 Comprehensive Plan. These smaller lots may still be developed individually or combined, provided that applicable standards for sewage disposal, environmental protection, water supply, roads and rural fire protection can be met. A subdivision at a density of one home per 2.5 acres shall only be permitted through the Transfer of Development Rights from property in the designated Rural Forest Focus Areas. The site receiving the density must be approved as a Transfer of Development Rights receiving site in accordance with the King County Code. Properties on Vashon-Maury Island shall not be eligible as receiving sites.

Given this, the subdivision of the parcel is not consistent with the Comprehensive Plan.

In addition to the policy conflict, the request raises issues of precedence that could broadly affect the surrounding area and the zoning category in general. As shown on the Zoning map, the parcel is surrounded on all sides by parcels, some smaller and some larger, with the same zoning classification.

While the subdivision of the parcel is not consistent with Comprehensive Plan, other options exist for additional development on this parcel. The King County Zoning Code, at *Title 21A.08.030 Residential Land Uses*, allows for "Residential Accessory Uses" which are commonly known as accessory dwelling units. The subject parcel is larger than the minimum lot size for an RA-2.5 and therefore an option may exist for either a detached or an attached accessory unit, depending on site conditions (*see 21A.08.030(B)(7)*).

This information was shared with the Docket submitter and he was referred to staff at the Department of Permitting and Environmental Review with specific experience related to accessory dwelling units.

Executive Recommendation: Based on this analysis, the Executive does not support the subdivision of this RA-2.5 zoned parcels into two parcels.

Docket #2: Linz

DOCKET SUBMITTAL

Name of Submitter(s): Raymond and Monique Linz

Council District: #3, Councilmember Lambert

Submitted Request: Remove Special District Overlay SO-230, which applies limitations for density for parcels in the floodplain, on parcel 3626079039. This parcel is not in a flood plain. It sits atop 620' elevation per King County iMap. Therefore flood plain density should not apply. Proposed use of the parcel is for the development of single family homes on no less than five acres. Other than removal of the SDO, there is no change to zoning being requested. It has the future potential of having one more resident on the same shared private street that is currently used by 2 residents.

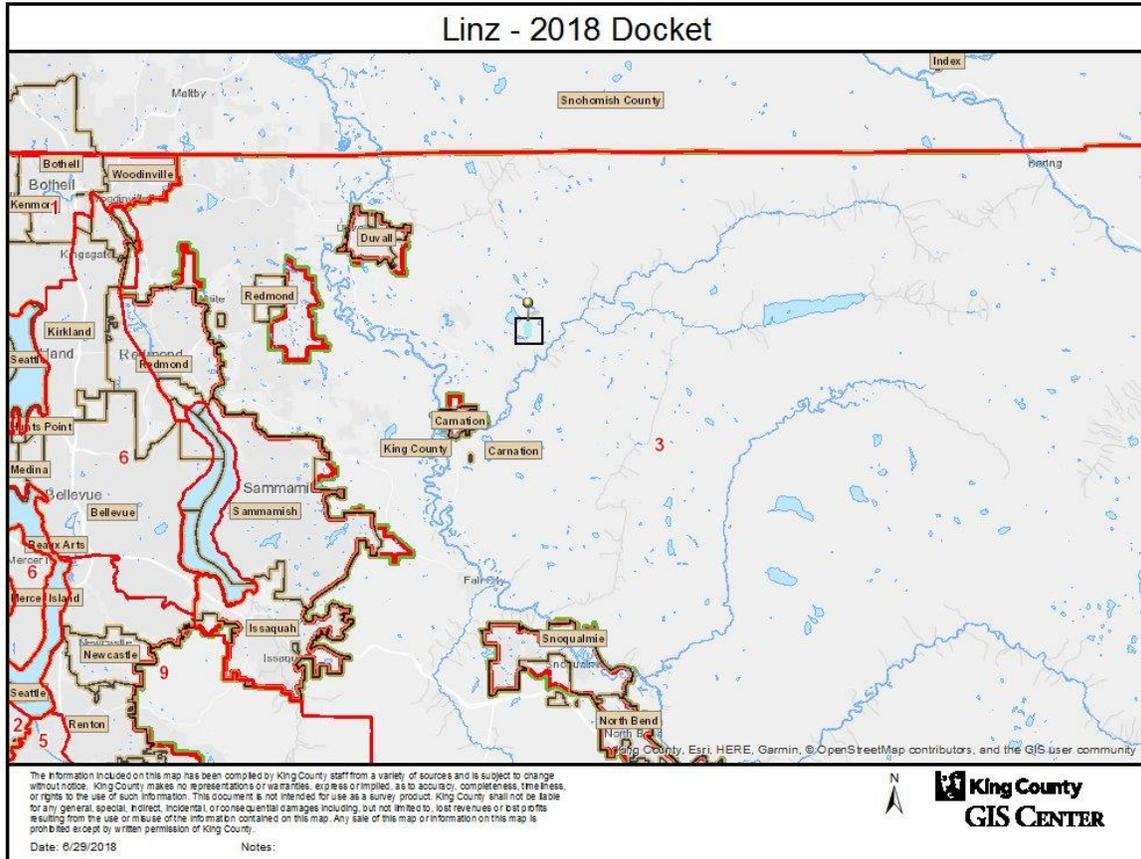
Submitted Background Information: The submitter notes that there is no effect on adjoining parcels as the surrounding parcels are subject to the same change rationale and need the SO-230 removed as well.

Address: Undeveloped; no address. Parcel Identification Number 3626079039.

EXECUTIVE REVIEW

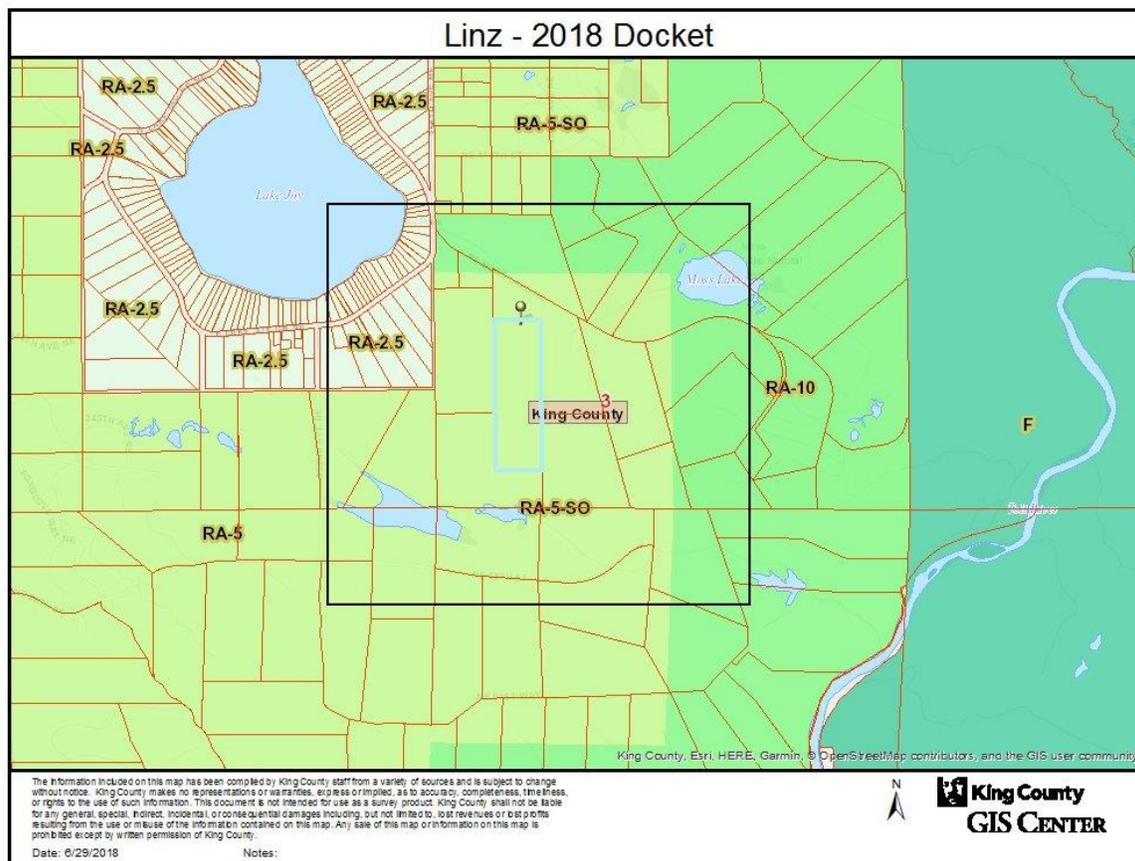
Docket #2: Linz

Vicinity map:



Docket #2: Linz

Zoning map:



Classification and Background: King County Code Title 21A.38.040 *Special District Overlay - General Provisions* states that removal of a Special District Overlay is an Area Zoning Process, which is analyzed through an Area Zoning and Land Use Study as part of a Comprehensive Plan update. As such, it would be eligible for consideration in an Annual Cycle amendment in 2019 or in the 2020 Four-Year Midpoint update.

Discussion and Analysis: The purpose of a Special District Overlay is to carry out Comprehensive Plan and community, subarea or neighborhood plan policies that identify special opportunities for achieving public benefits by allowing or requiring alternative uses and development standards that differ from general code provisions.

Special district overlays are generally applied to a group of individual properties or entire community, subarea or neighborhood planning areas and are designated primarily through the area zoning process. Removal is done through the same process.

Docket #2: Linz

The text of the subject Special District Overlay includes the following conditions:

21A.38.240 Special district overlay - Floodplain Density.

A. The purpose of the floodplain density special district overlay is to provide a means to designate areas that cannot accommodate additional density due to severe flooding problems. This district overlay limits development in sensitive areas to reduce potential future flooding.

B. The following development standards shall be applied to all development proposals on RA-5 zoned parcels located within a floodplain density special district overlay:

1. Density is limited to one home per 10 acres for any property that is located within a sensitive area; and
2. All development shall be clustered outside of the identified sensitive areas, unless the entire parcel is a mapped sensitive area. (Ord. 12823 § 19, 1997).

Link to SO-230:

<https://www.kingcounty.gov/depts/permitting-environmental-review/gis/DevConditionsSearch/SDO/SO-230.aspx>

This 2018 request to remove the Special District Overlay follows a similar request that was considered, and supported, in the 2016 Comprehensive Plan.

Link to 2016 Map Amendments (see Amendment 3):

<https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/2016CompPlanUpdate/2016Adopted-KCCP/LandUseZoningAmendments-ADO-120516.ashx?la=en>

Link to 2016 Area Zoning and Land Use Studies (see Study 4):

<https://www.kingcounty.gov/~media/depts/executive/performance-strategy-budget/regional-planning/2016CompPlanUpdate/ExecRecommend2016CompPlan/Attach-AreaZoningLandUseStudies2016KCCP-d.ashx?la=en>

As noted in Study 3, the Special District Overlay originated in the 1989 Snoqualmie Valley Community Plan. The condition stems from Area-wide Suffix Condition AR-5-P, which limits density on Rural Area 5 parcels. The condition is shown on, or referenced in, multiple maps (pages 123, 125, 129, 132, 133, 141, and 181) and reads as follows:

AR-5-P (one home per five acres with P-Suffix)

The purpose of this zoning is to implement policies of the King County Comprehensive Plan which call for maintaining the rural community character of the planning areas and protect sensitive natural features. The following P-suffix shall apply: Subdivision activity within this zone designation requires the site plan review process to determine the boundary of sensitive areas as defined in the King County Sensitive Areas Folio. Density is restricted to one home per 10 acres for sensitive areas. One home per five acres is allowed on the non-sensitive areas. Mandatory clustering is required on the non-sensitive areas unless the entire site is a mapped sensitive area. This zoning implements Snoqualmie Valley Community Plan policies SQP 45 and SQP 48.

Docket #2: Linz

The two referenced policies from the Community Plan read as follows:

SQP 45 In unincorporated areas, a density of one home per 5 acres shall be applied to areas where there is an existing platting pattern of 5 acre lots or larger, where there are a minimum of environmental hazards or other land use constraints and where resources do not exist on site or nearby which would benefit from lesser density.

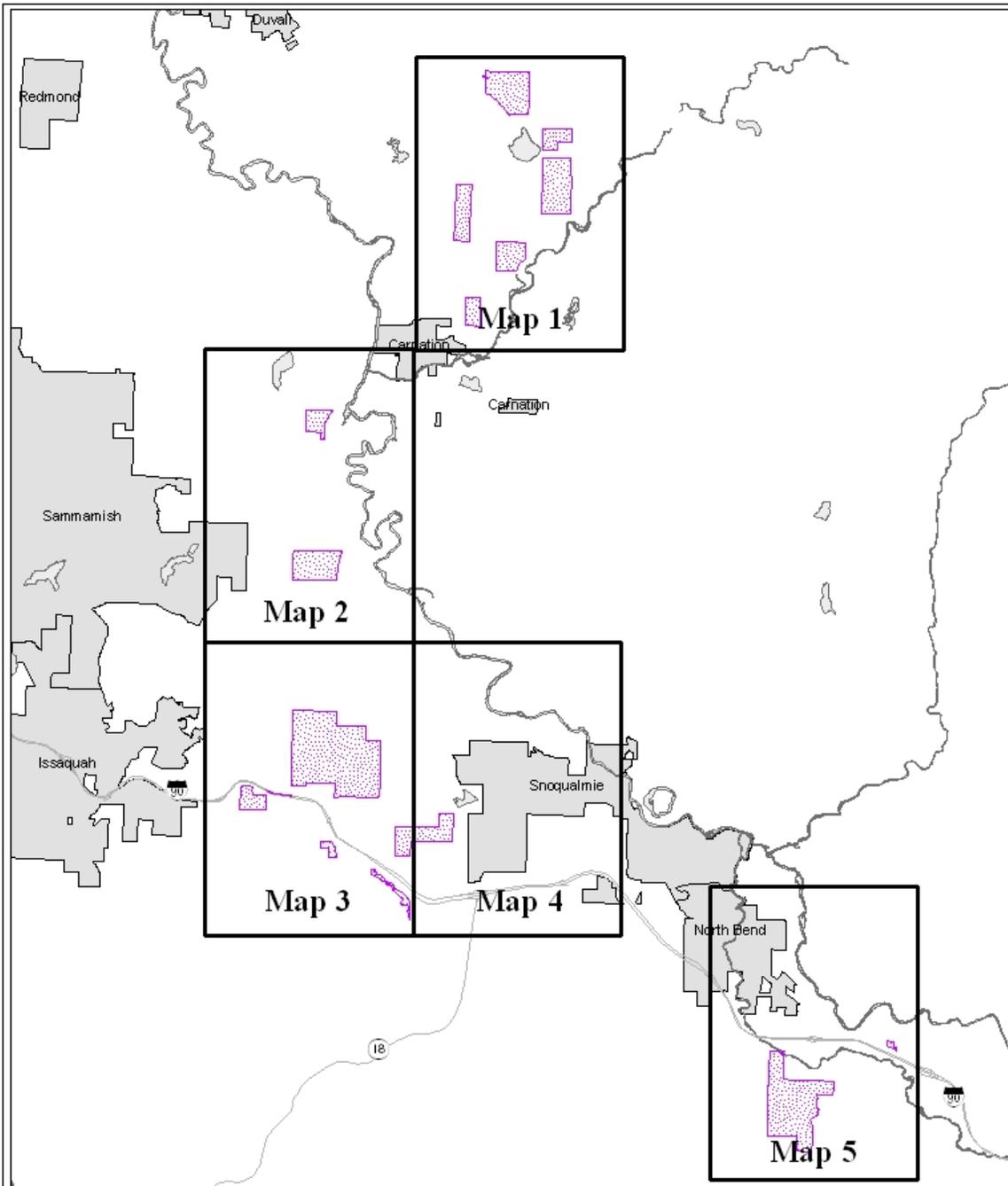
SQP 48 To minimize the risk to public safety and reduce the potential for property damage, the following environmentally sensitive areas shall be designated one home per 10 acres.

- A. floodways and flood-fringe areas (flood plains),
- B. class iii landslide hazard areas,
- C. slopes of a grade of 40% or more,
- D. unique/outstanding or significant wetlands,
- E. lands with erosion hazards or a combination of seismic and erosion hazards.

These conditions were imposed through the adoption of the Community Plan, and subsequent ordinances that amended the plan and conditions. While the Snoqualmie Valley Community Plan is no longer in effect, Special District Overlay (SO-230: Floodplain Density SDO) remains in effect.

During the zoning conversion in the mid-1990s, the rationale for the limitation was shortened to just flood hazards even though other critical areas were also protected under the original zoning. The parcels to which the Special District Overlay apply are as follows:

Docket #2: Linz



Floodplain Density SDO Index Map
Effective: August 18, 1997
Amended by Ord. 14448, 9/8/2002

-  Special District Overlay
-  Incorporated Areas



Produced October 10, 2004



The information included on this map has been compiled by King County staff from a variety of sources and is subject to change without notice. King County makes no representations or warranties, express or implied, as to accuracy, completeness, timeliness, or right to the use of such information. King County shall not be liable for any general, special, indirect, incidental, or consequential damages, including, but not limited to, lost revenue or lost profits, resulting from the use or misuse of the information contained on this map. Any sale of this map or information on this map is prohibited except by written permission of King County.

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Docket #2: Linz

While the current focus of SO-230 is on floodplain densities, the language still refers to "areas that cannot accommodate density" rather than parcels, and states that development be clustered outside of the "identified sensitive area" not just outside of the floodplain area. These retain and convey a focus that is broader than just floodplains.

The removal of the Special District Overlay from another property in 2016 noted that the while County's Sensitive Areas Ordinance and Surface Water Design Manual had been adopted in 1990, and that the Special District Overlay built on those provisions, both the Ordinance and Manual had been updated numerous times since that time to reflect best available science and both include rigorous standards for protecting critical areas and controlling runoff and sedimentation during the development process.

The Manual does this by addressing a wide variety of topics from drainage plan submittal requirements, hydrologic analysis and design, conveyance system analysis and design, flow control design and more. The effect of these requirements and standards are to minimize and mitigate impacts on water resources and functions.

Link to King County Code, 21A.24 Critical Areas:

https://kingcounty.gov/council/legislation/kc_code/24_30_Title_21A.aspx

Link to Surface Water Design Manual:

<https://your.kingcounty.gov/dnrp/library/water-and-land/stormwater/surface-water-design-manual/SWDM%202016%20complete%20document%20FINAL%20first%20errata%206%2015%202016.pdf>

In 2016, the conclusion by the Department of Permitting and Environmental Review (the department that administers this Special District Overlay and a participant in the updates to the Sensitive Areas Ordinance and the Surface Water Design Manual), was that removing the Special District Overlay would not likely result in any significant flooding or sedimentation issue, that the aforementioned regulations effectively control runoff from new development, and that the Special District Overlay was no longer needed on those parcels.

Looking at the context today, SO-230 applies to a total of 426 parcels that are or were zoned Rural Area 5 when the Special District Overlay was established. Of this number, 39 are in public ownership and therefore likely to never be developed, 6 are within cities and therefore not subject to this condition, and 80 are not zoned RA-5 and therefore not subject to this condition. Of the remaining 301 parcels, 235 are less than 10 acres, meaning they are unlikely to have sufficient size to be subdivided with or without the overlay. This leaves 66 parcels that are theoretically subdividable.

Docket #2: Linz

Of these, 18 have Sensitive Area Notices on Title, and 24 show some type of environmental feature – wetlands, seismic or erosion hazard areas, stream corridors – in the County's mapping programs. While the exact impact of these constraints on development potential is beyond the scope of this study (and difficult to precisely quantify without a development proposal), the overall impact is a likely reduction in the amount of development on these 66 larger sized parcels.

In summary, the Special District Overlay applies to a limited set of potentially subdividable Rural Area 5 parcels, these parcels frequently have other environmental constraints that could minimize development potential, and impacts of future development proposals (both on floodplains and environmental features) will be addressed through County regulations that have superseded this Special District Overlay.

Executive Recommendation: Based on this analysis and previous analysis in 2016, the Executive supports including consideration of deleting the Special District Overlay on all parcels to which it applies into the Scope of Work for the 2020 Comprehensive Plan Midpoint update.

Docket #3: Fletcher

DOCKET SUBMITTAL

Name of Submitter(s): Michael and Linda Fletcher

Council District: #9, Councilmember Dunn

Submitted Request: Reclassify zoning on two parcels from NB (Neighborhood Business) to I (Industrial). Combined size is 3.54 acres. The rationale for the requested changes is to be consistent with the adjacent property and the current use of the land. The proposed use is industrial, which is grandfathered and has been there for 25 years. The submittal notes that there will be no effect on adjoining properties to the south which are also industrial zoned and the current use is for industrial uses.

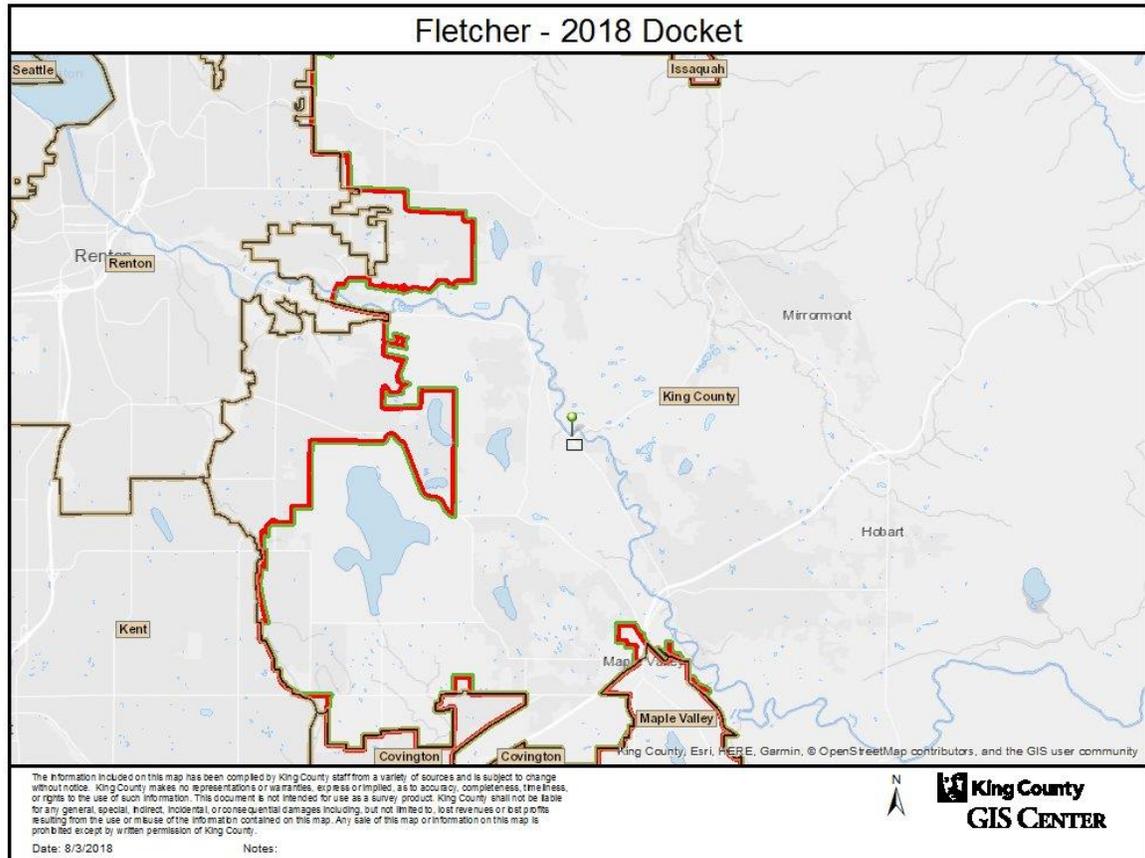
Submitted Background Information: No affect- the adjoining properties to the south are also industrial zoned and current use on the subject parcels are already industrial uses.

Address: 18407 Renton-Maple Valley Highway, Maple Valley, WA 98038. Parcel identification numbers 3223069052 and 3223069070.

Docket #3: Fletcher

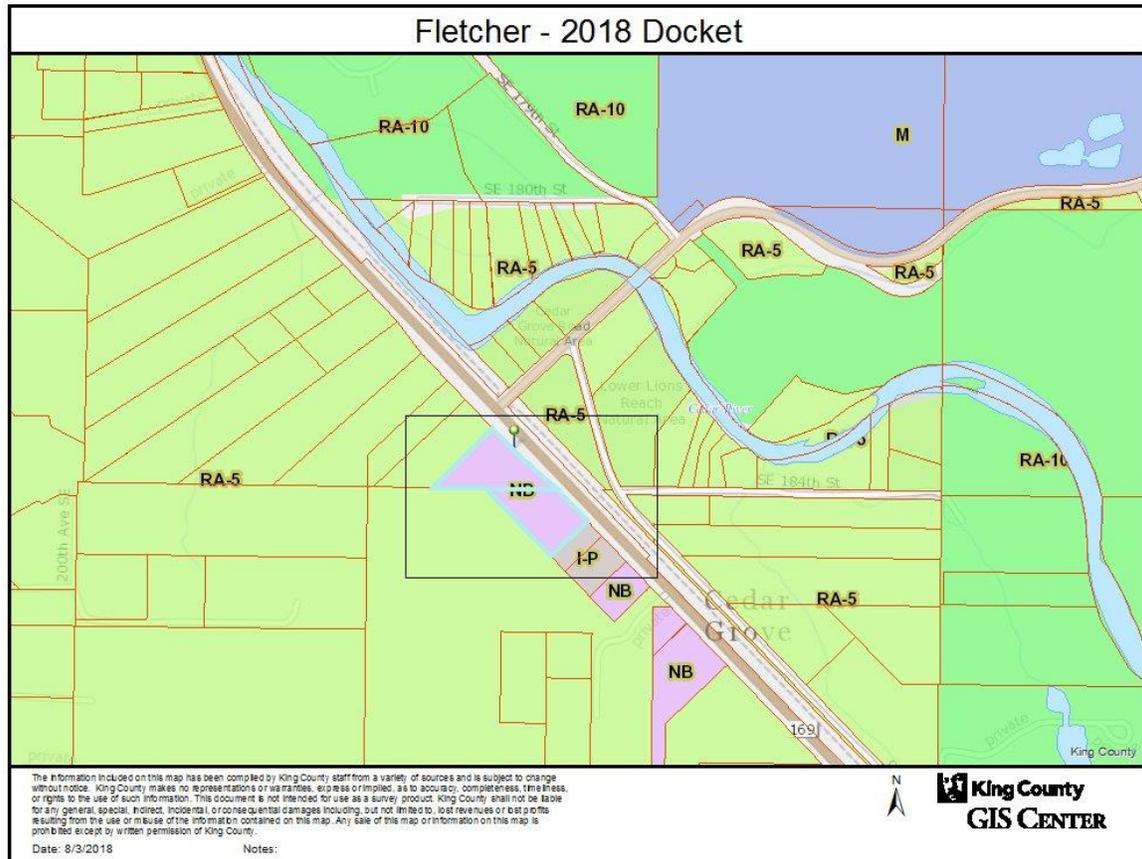
EXECUTIVE REVIEW

Vicinity map:



Docket #3: Fletcher

Land Use map:



Classification: The request is for a zoning change; this would require that the land use designation also be changed to Industrial to allow the zoning classification to be Industrial. As discussed in the following text, this would require a substantive policy change. Given that these types of changes are not allowed on the Annual Cycle update, the request would not be eligible for consideration in the 2019 Comprehensive Plan, but would be eligible for consideration in the 2020 Four-Year Midpoint update.

Discussion and Analysis: The Comprehensive Plan, in *Chapter 3: Rural Area and Natural Resource Lands*, discusses Non-Residential Uses in the Rural Area, as well as Non-Resource Industrial Uses and Development Standards in the Rural Area. The plan recognizes that some compatible public and private nonresidential uses are appropriate in the Rural Area geography and contribute to rural character. The plan states that compatible uses might include small, neighborhood churches, feed and grain stores, produce stands, forest product sales and home occupations such as woodcrafters, small day care facilities or veterinary services. (see page 3-25)

Docket #3: Fletcher

The plan notes that there are variety of locations for commercial activities in the rural area geography. These include Rural Neighborhood Commercial Centers, Rural Towns, the Cities in the Rural Area, as well as non-resource industrial sites located in rural King County. The plan notes that Cities in the Rural Area and Rural Towns are the primary locations for nonresidential uses in the Rural Area geography, and that Rural Neighborhood Commercial Centers provide limited, local convenience shopping, restaurants, and services to meet the daily needs of rural residents. The Comprehensive Plan describes this intent as follows:

R-505 Commercial and industrial development that provides employment, shopping, and community and human services that strengthen the fiscal and economic health of rural communities should locate in Rural Towns if utilities and other services permit. Urban-level parking, landscaping, and street improvement standards are not appropriate for Rural Towns. Sidewalks and other pedestrian safety measures should be provided to serve the Rural Town.

In the context of the Docket request, the use on the subject parcels is a metal recycling facility, which would be classified in the zoning code as an "interim recycling facility" as defined at King County Code *Title 21A.06.640*. Under the existing Neighborhood Business zoning classification, the current use is allowed, although the existing business does not meet the requirement that all processing and storage of material be within enclosed buildings (*see 21A.08.050.B.22*). Additionally, as currently developed, the site would be considered non-conforming to current site development standards.

The request to change the zoning from Neighborhood Business to Industrial is based, in part, because of a desire on the part of the property owner to sync up the use with the underlying zoning, and also because the subject parcels are directly adjacent to an Industrial zoned property (parcels 3223069104 and 3223069098). The neighboring property has a property-specific development condition, enacted in 1997, that limits the uses on the site to any use permitted in the Regional Business zoning classification or a vehicle interior refurbishing and re-upholstery (the use on the site at the time the condition was enacted). Meaning, while it has an Industrial land use, it has a more constrained set of allowed uses. Were the subject parcels to be rezoned to Industrial, it would be allowed to have significantly more intensive commercial activities than the properties to the south.

Policies related to industrial sites in the Rural Area geography are primarily found in Chapter 3, subsection *V.D. Non-Resource Industrial Uses and Development Standards in the Rural Area*. Since 1994, the policies and text in this section of the King County Comprehensive Plan have sought to recognize industrial uses that pre-existed when the Growth Management Act was adopted, to limit their expansion, to limit creation of new industrial sites in the Rural Area, and to condition and scale any development or redevelopment of existing sites to maintain and protect rural area character and the environment. Some of the policies read as follows:

Docket #3: Fletcher

R-513 Rural Public Infrastructure Maintenance Facilities, and agriculture and forestry product processing should be allowed in the Rural Area. Other new industrial uses in the Rural Area shall be permitted only in Rural Towns and in the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston.

R-515 Existing industrial uses in the Rural Area outside of Rural Towns, the industrial area on the King County-designated historic Site along State Route 169 or the designated industrial area adjacent to the Rural Neighborhood Commercial Center of Preston shall be zoned rural residential but may continue if they qualify as legal, nonconforming uses.

Taken collectively, the County's policies recognize and allow industrial uses on industrial zoned parcels even in the Rural Area geography, but also limit expansion or the establishment of new industrial zoned parcels.

Beyond the policy constraints, there site-specific constraints as well. The site lacks public sewer and water, is a relatively small site for accommodating industrial uses and, with needed septic systems, drainage systems, other utilities, parking, etc., it is not clear on whether it could actually accommodate an industrial use that isn't already allowed under the existing Neighborhood Business zoning.

Additional issues are that the slope related critical areas (and their associated buffers and setbacks) that exist in the west portion of the site would further impact the usable area of the site. The same is true for the Category I critical aquifer recharge area designation on the site, which further limits the types of industrial uses and development.

This information was shared with the Docket submitter who inquired as to whether a Community Business zoning designation would be more appropriate for the site. This option does not appear warranted for a number of reasons. First, the purpose statement for the Community Business zone states:

21A.04.100 Community business zone.

- A. The purpose of the community business zone (CB) is to provide convenience and comparison retail and personal services for local service areas which exceed the daily convenience needs of adjacent neighborhoods but which cannot be served conveniently by larger activity centers, and to provide retail and personal services in locations within activity centers that are not appropriate for extensive outdoor storage or auto related and industrial uses. These purposes are accomplished by:
1. Providing for limited small-scale offices as well as a wider range of the retail, professional, governmental and personal services than are found in neighborhood business areas;
 2. Allowing for mixed use (housing and retail/service) developments; and
 3. Excluding commercial uses with extensive outdoor storage or auto related and industrial uses.

Docket #3: Fletcher

- B. Use of this zone is appropriate in urban and community centers or rural towns that are designated by the Comprehensive Plan and community plans and that are served at the time of development by adequate public sewers, water supply, roads and other needed public facilities and services. (Ord. 11621 § 14, 1994: Ord. 10870 § 31, 1993).

A number of issues are relevant in this zone purpose statement related to changing the zoning to Community Business. As noted in section A.3. above, and as implemented in the permitted uses table *Title 21A.08.050 General services land uses*, commercial uses with extensive outdoor storage are excluded from the Community Business designation. This means that even in Community Business zoning, all processing and storage of recycling materials would be required to be within enclosed buildings. And, as noted in B. above, this zone is to be used in urban and community centers or Rural Towns. In contrast, the description of the Neighborhood Business zone (at *21A.04.090 Neighborhood business zone*) states that the zone is appropriate in urban neighborhood business centers, rural towns, or rural neighborhood centers.

Additionally, the site-specific constraints and development limits discussed related to an Industrial designation would be very similar with a Community Business designation.

Last, other than in Rural Towns, there is only one site with Community Business parcels in entire Rural Area geography, and this site is directly adjacent the Urban Growth Area boundary at the northern edge of the East Renton Plateau Potential Annexation Area. If changed to Community Business, this would be the only the second Community Business area in the Rural Area geography, and would be the only free-standing Community Business zone in the Rural Area geography that is not directly adjacent to the Urban Growth Area boundary.

Executive Recommendation: Based on this analysis, the Executive does not support changing the zoning and land use on this parcel from Neighborhood Business to Industrial or to Community Business.

IV. For More Information

For questions regarding this report, please contact Ivan Miller, Comprehensive Planning Manager, at 206-263-8297, or ivan.miller@kingcounty.gov.

V. Public Comments on 2018 Docket Submittals

The following public comments were submitted on the Docket Requests following the release of the 2018 Docket Submittals Report.

<p>Name: Greater Maple Valley Unincorporated Area Council</p> <p>Date: October 2, 2018</p> <p>Comment: Docket Item (D.I.) #4 #3 <i>(King County Staff note: This refers to Docket 3: Fletcher. The docket was renumbered after other requests were removed as noted on page 1 of the report.)</i></p> <p>Location: 18407 SR-169 Parcel ID Nos.: 3223069052 and 3223069070</p> <p><i>“Reclassify zoning on two parcels from NB (Neighborhood Business) to I (Industrial). The land use would remain Rural Area. Combined size is 3.54 acres. The purpose for the request is to provide consistency with the actual land use activity (recycling center) that has been in operation for over 25 years. An industrial use (grandfathered) – a metal recycling facility. The use and zoning will be consistent with what is actually developed in the immediate vicinity and on these specific properties.”</i></p> <p>INTRODUCTION</p> <p>The D.I. states the site’s existing business is an <i>“industrial use”</i> that is <i>“grandfathered.”</i> The D.I. request is to rezone the site from Neighborhood Business (NB) to Industrial (I). If the existing <i>“metal recycling”</i> business is indeed <i>“grandfathered,”</i> then no change in zoning is necessary.</p> <p>Of critical concern is that should the site be rezoned, the <i>next</i> owner could propose a <i>different</i> industrial use (much like the proposed Asphalt Facility on a parcel along SR-169, which was the subject of a successful rezoning request through the D.I. process). [Note; The site in question was not evaluated earlier this year in KC DPER’s <i>Cedar River Sites Industrial Moratorium (CRSIM) Study</i> as part of the KC Council’s Asphalt Facility discussions, because it was not zoned <i>“Industrial.”</i>]</p> <p>BACKGROUND</p> <p>The D.I. specifically refers to the adjoining site to the south and its <i>“I”</i> zoning as justification for the site in question to be rezoned to <i>“I”</i>. Attached is the final Zoning and Subdivision Examiner’s Decision and the BALD Report 124-88-R— (Note: The Building and Land Development Division is the predecessor to present-day DPER), which supported the 1989 rezone of the adjoining site to <i>“I-P”</i> (<i>“I”</i> zoned, but with a <i>P-suffix</i>—which imposed express limitations on future use).</p> <p>The <i>“I-P”</i> zoning for the adjacent site was adopted by the KC Council as Ordinance 8865 and incorporated into subsequent Comprehensive Plans (and <i>Tahoma-Raven Heights Subarea Plan</i> by Ordinance 12824 in 1997). The uses of that <i>“I-P”</i> zoned site are limited to those allowed in the Regional Business (RB) zone and <i>“vehicle interior refurbishing and re-upholstering.”</i></p> <p>DISCUSSION</p>

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The 1989 rezone was *unique* and cannot, and should not, constitute grounds for rezoning the site in question from "NB" to a general "I" without any *P-suffix* to substantially limit its future use. The attached BALD Report gives an extensive history of this area and land uses that existed in that vicinity for many years. D.I. #4's assertion that a "rezone of their property to 'I' - Industrial would be consistent with the zoning and use of the property to the south" simply is not accurate.

We remain highly skeptical and very concerned that a rezone to a generic "I" could result in another debacle, as has been encountered with the proposed Asphalt Facility on a parcel along SR-169. As with the former rezone of that parcel to simply a generic "I", rezoning of the site to allow lawful continuation of an *existing nonconforming use* has severe and, perhaps, unintended consequences, where such rezone is not limited in scope to allow only that particular existing use and any other uses that are in fact consistent with such existing use. In fact, since the existing business can continue under *existing* zoning, no rezone is necessary.

Finally, any proposed site-specific rezone (e.g., from "NB" to "I") *inconsistent* with the KC Comprehensive Plan (KCCP) must be considered and resolved **first** through a Hearing Examiner following a public hearing (KCC 20.20.020(E) and KCC 20.22). Annual amendments to the KCCP are deemed *legislative*; whereas, a site-specific rezone is *quasi-judicial* and must be reviewed as a Type 4 permit application. Clearly, an annual D.I. request should not be part of any *bifurcated* process (i.e., KC Council amends zoning designation, refers it to Hearing Examiner, who, sends recommendation back to KC Council for a final decision).

RECOMMENDATION

D.I. ~~#4~~ #3 should be denied.

Attachment: Final Zoning and Subdivision Examiner's Decision and the BALD Report 124-88-R, 1989. (*available upon request*)